

United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

March 15, 2007

Dear Attorney General Gonzales:

We are deeply troubled by a report in today's *National Journal* that you advised President Bush to block a Justice Department internal investigation of the NSA warrantless wiretapping program after you learned that you were a target of the investigation. According to the story, "Current and former Justice Department officials, as well as experts in legal ethics, question the propriety of Gonzales's continuing to advise Bush about the investigation after learning that it might examine his own actions."

In the aftermath of revelations about the dismissals of U.S. Attorneys and the Justice Department's abuse of Patriot Act authorities, this report raises still more concerns about the independence and integrity of the Justice Department under your leadership.

As you know, the Justice Department's Office of Professional Responsibility (OPR) last year launched an investigation into the conduct of Justice Department attorneys who approved the NSA program. President Bush personally denied security clearances to the OPR investigators, effectively shutting down the investigation.

On April 21, 2006, H. Marshall Jarrett, the Director of OPR, sent you a memo stating, "Because OPR cannot proceed with its investigation without the requested security clearances, and because those security clearances have not been granted, we intend to close our investigation." Mr. Jarrett noted:

Since its creation some 31 years ago, OPR has conducted many highly sensitive investigations involving Executive Branch programs and has obtained access to information classified at the highest levels. In all those years OPR has never been prevented from initiating or pursuing an investigation.

Last year, Senators Durbin, Kennedy, and Feingold sent the attached letter to President Bush urging him to reconsider his decision to deny clearances to the OPR investigators. We have yet to receive a reply to our letter.

In light of today's *National Journal* story, we now write to ask you the following questions about your involvement in this matter:

- When did you learn that you were a target of the OPR investigation?
- Who advised you that you were a target of the OPR investigation?
- Did you inform President Bush that you were a target of the OPR investigation?

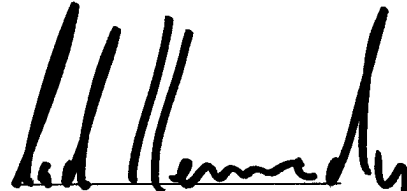
- Did you recommend that President Bush deny security clearances to the OPR investigators?

Please provide all Justice Department documents relevant to the OPR investigation, including any communications between you or your office and any other Justice Department component and between you or your office and the White House.

Due to the seriousness of this matter, we request that you respond to this letter as soon as possible, and in no case later than Tuesday, March 20.

Sincerely,


Richard J. Durbin


Edward M. Kennedy


Russell D. Feingold


Charles E. Schumer

Attachment